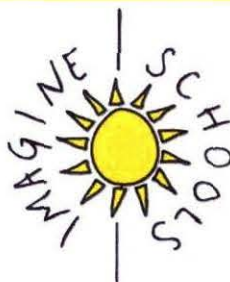


Imagine Schools on Broadway
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May 3, 2013

REQUEST FOR REVIEW

CC Docket No 02-6

E-Rate Appeal Filed Electronically via the FCC ECFS System

Marlene H. Dortch, Secretary

Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

Information

Applicant Name:	Imagine Schools on Broadway
Billed Entity Number:	16055446
Funding Year:	2011
Form 471 Application:	813466
Funding Request Number:	2210273
Service:	Internal Connections
Service Provider:	Mobile Technical Services, LLC (SPIN: 143029702)

To Whom It May Concern:

This is an appeal of the denial of the Administrator's Decision on Appeal – Funding Year 2011 – dated March 26, 2013, in connection with FRN 2210273 on 471 Application Number 813466. A copy of the Administrator's Decision of Appeal is attached hereto as Exhibit B.

Text Being Requested for Review:

- In accordance with FCC Report and Order (FCC 01-195) released on June 29, 2001, in order to provide additional time to implement contracts or agreements with service providers for non-recurring services, applicants must submit documentation to the Administrator requesting relief on or before the original non-recurring services deadline. Your appeal has not brought forth clear information establishing that application for relief was made prior to this deadline. Therefore your appeal is denied.

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Appeal Review Request:

Imagine Schools on Broadway is appealing USAC's denial of FRN 2210273, on the premise that Imagine Schools on Broadway provided in their appeal to USAC, and provides with this FCC appeal, clear information establishing that application for relief was made prior to the September 30, 2012 deadline and that the information was acknowledged by USAC on June 13, 2012 through the issuance of the Form 500 Notification Letter.

It was our belief that filing the FCC Form 500 to extend the Service Provider's Contract Expiration Date also served as the action to extend the Service and Implementation Deadline.

Imagine Schools on Broadway believes according to the attached Exhibits, USAC erred in denying support and the school believes special consideration to Exhibits A, C, D, E and F provide documentation that they provided clear information establishing that application for relief was made prior to this deadline. There is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. Furthermore, the school believes that the denial of E-Rate funds for the full funding year inflicts undue hardship and approval for FRN 2210273 would better serve the public interest.

FCC Report and Order (FCC 01-195) Released on June 29, 2001, provides that applicants will qualify for an extension of the implementation deadline for non-recurring services if they satisfy one of the following criteria: (1) applicants whose funding commitment decision letters are issued by the Administrator on or after March 1 of the funding year for which discounts are authorized; (2) applicants who receive service provider change authorizations or service substitution authorizations from the Administrator on or after March 1 of the funding year for which discounts are authorized; (3) applicants whose service providers are unable to complete implementation for reasons beyond the service provider's control; or (4) applicants whose service providers are unwilling to complete installation because funding disbursements are delayed while the Administrator investigates their application for program compliance.

We believe that criteria #3 was met on 02/09/2012 when Michael Evans, Regional Director of Imagine Schools on Broadway, informed his AdTec E-Rate contact, that the work to be completed by Mobile Technical Services, LLC, pertaining to FY 2011 - FRN 2210273 – would not be completed within the July 1, 2011 to June 30, 2012 E-Rate window due to delays in ordering the equipment, supply availability issues and scheduling difficulties between the school and the vendor associated with the installation of equipment.

Attached documents which support The Request for Review:

- **Exhibit A** – USAC Letter of Appeal – February 13, 2013 – We provided clear information establishing that application for relief was made prior to the deadline and that we met the criteria that the Service Provider was unable to meet implementation for reasons beyond the Service Provider's control.
- **Exhibit B** – Copy of Administrator's Decision on Appeal – March 26, 2013
- **Exhibit C** – FCC Form 500 – Imagine Schools on Broadway – Block 3 Certification dated April 10, 2012

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- **Exhibit D** – USAC Form 500 Notification Letter – Established Contract Expiration Date of December 31, 2012 - Dated June 13, 2012
- **Exhibit E** – USAC Form 500 Instructions – No indication of filing of extension for Service Delivery and Installation Date requirement. Note: This could easily be included under the reminders section of the Form 500 instructions.
<http://www.usac.org/res/documents/sl/pdf/forms/500i.pdf>
- **Exhibit F** – USAC Data Retrieval Tool – No field provided to reference Service Delivery and Installation Date. Note: If the Service Delivery and Installation Date do not follow the Contract Expiration Date, then perhaps a specific field should be implemented.

REQUEST FOR WAVIER OF FCC RULES

Imagine Schools on Broadway attempted in good faith to comply with Commission rules in a timely manner in seeking an extension of the deadline for non-recurring services. Imagine Schools on Broadway believes that it met the requirement for filing for the Contract Expiration Date extension because its Service Provider wasn't able to complete implementation for reasons beyond the service provider's control.

Imagine Schools on Broadway believes that they have demonstrated a good faith effort to comply with all program rules and to deny funding for FRN 2210273 would be an excessive penalty, given the spirit and intent of the program and our good faith efforts. I respectfully request a waiver of the rules with respect to which non-compliance is found by the Commission, and find it is in the public interest to provide the requested relief. Specifically, Imagine Schools on Broadway requests that the FCC find that Imagine Schools on Broadway complied with the requirements established for receiving an extension of established deadlines, as prescribed by the FCC. I further request that the funding commitment be fully provided for FRN 2210273 and that the commission direct USAC to waive any associated invoice filing deadlines in connection with this service deadline extension and any other procedural deadlines that were missed while these issues were on appeal with the commission.

Thank you for your time and consideration. You are hereby authorized to contact our E-Rate Contact, Charity Hawkins, if you have questions concerning this appeal or require additional information. Her contact information is as follows:

Authorized person who can best discuss this Appeal:

Charity Hawkins

AdTec, Inc

PO Box 97

Centerville, IN 47330

Phone: (866) 855-1845

Fax: (765) 855-1615

Email: charity@adtecerate.com

(preferred mode of contact)

Authorized Signature:

Michael Evans – Regional Director – IT Infrastructure – Imagine Schools